

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	*	Docket No.
	*	1:19-cr-00007-WMS-HKS-1
	*	
	*	Buffalo, New York
v.	*	October 7, 2020
	*	11:08 a.m.
	*	
SACHIN AJI BHASKAR,	*	SENTENCING
	*	
Defendant.	*	
	*	
* * * * *	*	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE WILLIAM M. SKRETNY
UNITED STATES DISTRICT JUDGE

APPEARANCES BY ZOOM:

For the Government:	JAMES P. KENNEDY, JR., UNITED STATES ATTORNEY, By RUSSELL T. IPPOLITO, JR. ESQ., Assistant United States Attorney, Federal Centre, 138 Delaware Avenue, Buffalo, New York 14202 Assistant United States Attorney Appearing for the United States
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For the Defendant:	MAHER & PITTELL, LLP, By JEFFREY G. PITTELL, ESQ., 4240 Bell Boulevard, Suite 302, Bayside, New York 11361.
	LAW OFFICES OF JULIE RENDELMAN, By JULIE RENDELMAN, ESQ., 535 Fifth Avenue, Suite 2525, New York, New York 10017

The Courtroom Deputy:	GENEVIEVE S. RADOS
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1 Court Reporter: BONNIE S. WEBER,
2 Notary Public,
3 Robert H. Jackson Courthouse,
4 2 Niagara Square,
5 Buffalo, New York 14202,
6 Bonnie_Weber@nywd.uscourts.gov.

7 Proceedings recorded by mechanical stenography,
8 transcript produced by computer.

9 (Proceedings commenced at 11:08 a.m.)

10 **THE CLERK:** All rise.

11 **THE COURT:** Good morning, please unrise.

12 (Discussion off the record.)

13 **THE CLERK:** The judge has come in. I'm going to call
14 the case and then we can put you in a breakout room.

15 Criminal case 19-7, United States versus Sachin Aji
16 Bhaskar.

17 **THE COURT:** Good morning, everybody. We have a full
18 compliment on Zoom. We will be using the Zoom platform for the
19 purposes of sentencing this morning.

20 Now, I think it was Mr. Pittell who indicated the
21 breakout session with Sachin Bhaskar -- Aji Bhaskar was not
22 complete, we will break off to that breakout session.

23 But before we do that, I just want to get everybody
24 identified on the record. I need to make certain findings and I
25 want to be assured that everybody is ready to go forward this
morning.

1 I am ready, just so everybody knows. And I believe we
2 have a very substantial compliment of individuals that are
3 participating in the Zoom conference, other than the attorneys
4 and Mr. Sachin Aji Bhaskar.

5 So with that, at least for the purposes of the opening
6 volley, if you will, I need to make sure that Mr. Bhaskar can
7 hear me.

8 Mr. Bhaskar, can you hear me okay where you are? All
9 right. He's on mute, I believe.

10 Can you hear me now?

11 **THE CLERK:** The cellblock will need to unmute the
12 video equipment.

13 **THE COURT:** All right. Mr. Bhaskar, can you hear me?

14 **THE CLERK:** Is there a marshal in the room with
15 Mr. Bhaskar?

16 **THE COURT:** He can hear okay.

17 **THE CLERK:** He can hear.

18 **THE COURT:** We need to get him set up. In the
19 meantime, we can work on that, as long as he hears me
20 preliminarily, I think we can go forward.

21 **THE DEFENDANT:** Can you hear me?

22 **THE COURT:** There we go. All right. Tell me what
23 your full name is, please, Mr. Bhaskar.

24 **THE DEFENDANT:** Oh, me?

25 **THE COURT:** Yes.

1 **THE DEFENDANT:** Sachin Aji Bhaskar.

2 **THE COURT:** Okay. Mr. Bhaskar, thank you. You are
3 represented, I believe, by two attorneys, Jeffrey Pittell and
4 Julie Rendelman, but for the record purposes, if you would
5 announce who you are, please, Mr. Pittell.

6 **MR. PITTELL:** Good morning, I'm Jeffrey Pittell
7 appearing as counsel on behalf of Mr. Bhaskar.

8 **THE COURT:** Are you ready for sentencing along with
9 Mr. Bhaskar?

10 **MR. PITTELL:** Yes, I am.

11 **THE COURT:** And I believe it's Julie Rendelman; is
12 that correct?

13 **MS. RENDELMAN:** Yes, Judge. Julie Rendelman as well
14 for Mr. Bhaskar and, yes. I'm ready for sentencing.

15 **THE COURT:** Okay. Mr. Bhaskar, are you ready for
16 sentencing this morning?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Okay. I will allow the breakout session
19 in just short order, but I want to identify the prosecutor as
20 well, please, if you could tell us who you are.

21 **MR. IPPOLITO, JR.:** Good morning, Your Honor. Russell
22 Ippolito with the Government.

23 **THE COURT:** Is the Government ready?

24 **MR. IPPOLITO, JR.:** The Government is ready.

25 **THE COURT:** And then we have the representative from

1 the probation office, Lisa Ferraro. Who is all the author of
2 the presentence report in this case.

3 Ms. Ferraro identify yourself, please.

4 **MS. FERRARO:** Lisa Ferraro, U.S. Probation.

5 **THE COURT:** I have a revised report dated
6 September 21st of 2020.

7 Are there any updates to that report?

8 **MS. FERRARO:** No, Your Honor.

9 **THE COURT:** And Mr. Pittell and Ms. Rendelman, on
10 behalf of Mr. Bhaskar, have you received that report and
11 discussed and reviewed it with Mr. Bhaskar?

12 **MR. PITTELL:** Yes.

13 **THE COURT:** Okay. Thank you.

14 Just a couple of more matters before we get back to
15 the breakout session, and when everybody is ready, I will be
16 ready to go forward with sentencing.

17 And the way that I do that is I have certain
18 statements to make in the first instance, as it relates to some
19 of the considerations for sentencing.

20 I will make the offer to hear from defense counsel, as
21 well as Mr. Bhaskar, as well as the prosecutor, before I get to
22 making a final decision on what a fair, just and reasonable
23 sentence should be.

24 One that, in this case, which is a serious case and a
25 serious matter, should be sufficient, but not greater than

1 necessary and that will be my ultimate objective.

2 We are proceeding by way of Government Zoom platform,
3 which means, bottom line, is we are proceeding remotely. And in
4 my judgment that is probably the most efficient and effective
5 way to proceed today, with the understanding that if Mr. Bhaskar
6 required or demanded that he be brought into the courtroom
7 itself, arrangements can be made for that, but it would take a
8 little bit of scheduling time to accomplish that.

9 The consent must be a voluntary consent to proceeding
10 by way of this Zoom platform proceeding. I think in some
11 respects it can be more effective and efficient, even than an
12 in-court proceeding.

13 I believe that the interests of justice will be well
14 served by this proceeding. That it is in the public interest to
15 proceed in this fashion. I find that there is really no
16 prejudice as long as everybody is on board to going forward in
17 this fashion.

18 I take it Mr. Pittell and Ms. Rendelman, do either of
19 you have a preference? Do you want me to address you jointly
20 and then whomever wants to speak can speak, otherwise I'll
21 prioritize one or the other. It gets a little confusing.

22 Ms. Rendelman, how do you want to proceed on this?

23 **MS. RENDELMAN:** I'm glad you asked me first. So I
24 think that Mr. Pittell is probably going to be dealing with the
25 initial questions and I will be dealing kind of secondarily.

1 So perhaps we start with Mr. Pittell and if it
2 changes, we will let you know, if that works.

3 **THE COURT:** Sure. Absolutely. That works.

4 **MR. PITTELL:** Judge, if I may, I think that we would
5 actually get to the sentencing proceeding, the first order of
6 business will be our objection to the PSR.

7 **THE COURT:** Well, you are going to have to wait for me
8 until I get to that. We're not there yet.

9 **MR. PITTELL:** Okay. Right.

10 **THE COURT:** It takes a little time to work through
11 this, because as you know, Mr. Pittell -- and, Mr. Bhaskar, this
12 is all for your best interests.

13 The law requires that I do certain things, so that you
14 know what your rights are. I need consent from you to go
15 forward first with this Zoom proceeding.

16 And I need to know that you're doing or agreeing
17 voluntarily, with no threats or no force to get you to consent.

18 Is that something that I can rely on? Is that a fair
19 statement, that you are okay with going forward on Zoom and that
20 you are doing it voluntarily, Mr. Bhaskar?

21 **THE DEFENDANT:** You are talking to me? I couldn't
22 hear that. Hello.

23 **THE COURT:** Yes. Yes. Did you hear what I asked you?
24 Did you hear the question?

25 **THE DEFENDANT:** Can you please repeat the question?

1 **THE COURT:** Sure. The question is, are you
2 voluntarily consenting to go forward with sentencing remotely
3 using this Zoom platform?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Okay. Let me ask you this: Along with
6 that question, have you had any drugs, alcohol or medicine this
7 morning that interferes in any way with your clear thinking in
8 your opinion, as far as this sentencing is concerned?

9 **THE DEFENDANT:** No.

10 **THE COURT:** Okay. Mr. Pittell, are there any issues
11 that you see with respect to the competency of your client
12 today, in terms of his ability to communicate with you and
13 Ms. Rendelman, as far as what he needs to do in connection with
14 sentencing?

15 **MR. PITTELL:** No.

16 **THE COURT:** Okay. With respect to proceeding by Zoom,
17 I do find that there is voluntariness here. Counsel had
18 discussed this with Mr. Bhaskar.

19 If that's not accurate, let me know. Mr. Pittell, has
20 that discussion taken place?

21 **MR. PITTELL:** Yes.

22 **THE COURT:** All right. And we have a standing order
23 in this district, which is consistent with the concerns and the
24 directives of the Cares Act to make for effective and efficient
25 proceedings that replicate as closely as possible to actual

1 in-court proceedings on serious matters, critical stages such as
2 sentencing, so those findings are now a part of the record.

3 Just so you know, Mr. Bhaskar, this is for you. You
4 have certain rights and then we're going to let you break off
5 and discuss matters with your lawyers until they are ready and
6 you are ready to go forward.

7 But you have the right to an attorney until your case
8 is complete in all respects and that includes any decision or
9 right that you want to exercise as far as any appeal is
10 concerned to another court.

11 Your attorneys can be hired. In this case, you
12 retained Mr. Pittell and Ms. Rendelman. If you did not have
13 sufficient funds to hire an attorney or attorneys, and you
14 qualified under Federal law, an attorney would be assigned to
15 represent you from the role of our certified lawyers and/or from
16 the Federal Public Defenders Office, depending on, kind of, the
17 manner in which the location is exercised in this district.

18 And you always retain the right to represent yourself.
19 That is an absolute right that you have, but keep in mind, one,
20 that you can only have one attorney at a time.

21 If you represent yourself, then you are, in fact, the
22 lawyer for yourself. If you have other lawyers, they are the
23 lawyers. They make the calls before me, rather than you,
24 because the lawyers have to speak for a defendant in a criminal
25 case.

1 I am accepting the fact that Mr. Pittell and
2 Ms. Rendelman are your lawyers and they can speak for you. Now,
3 that's important in another respect, because if you are going to
4 take an appeal to another court, you or your lawyers need to
5 file a notice of appeal document within 14 days after I complete
6 your sentencing and that gives you eligibility.

7 If that is not done, you lose your right to take an
8 appeal. Do you understand?

9 Mr. Bhaskar, do you understand?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Okay. Thank you. All right. With that,
12 I find that Mr. Bhaskar is understanding. I'm aware of your
13 educational background. I've gone through a lot of documents in
14 your case. I've observed you. I'm comfortable going forward.

15 If there is anything that impacts negatively on that,
16 that, Mr. Pittell, you have seen or, Ms. Rendelman, you have
17 seen so far, let me know.

18 I don't see that, so I'm comfortable going forward
19 from my observations.

20 Mr. Pittell, any difficulties that you see?

21 **MR. PITTELL:** No, Your Honor.

22 **THE COURT:** Ms. Rendelman?

23 **MS. RENDELMAN:** No, Judge.

24 **THE COURT:** Okay. From the Government's standpoint,
25 Mr. Ippolito, the Government is on board?

1 **MR. IPPOLITO, JR.:** For that and more, Judge.

2 **THE COURT:** Okay. All right. Then with that before I
3 get into what I next have to do, because I have to make certain
4 findings based on my understanding of the contents of the
5 presentence report, I am going to seal the report after we're
6 done.

7 And that in my judgment best protects the privacy
8 interests of you, Mr. Bhaskar, but that enables that report to
9 be released upon application of my decision.

10 I am relying on specific parts of that report for my
11 findings of fact. And that's basically from pages five through
12 ten of the report on -- and in paragraphs eight through 24,
13 which gives the explicit details that relate to the crime that
14 we're talking about, which is a one count indictment involving
15 sexual enticement of a minor, which is a Class A felony charge
16 in Federal law.

17 And that charge was the subject of the plea of guilty
18 that was entered on March 5 of this year.

19 So with that backdrop, and before I get to making the
20 findings, I'm going to let you break into the breakout room and
21 then I'll explain to you what other documents I will consider in
22 readying for sentencing in this case.

23 So when you are ready, my law clerk, Ms. Rados, will
24 put you, Mr. Pittell, and Ms. Rendelman, into a breakout session
25 with Mr. Bhaskar and then you notify us when you're ready and we

1 will resume.

2 Thank you.

3 **MR. PITTELL:** Thank you.

4 **THE COURT:** Ms. Rados, give it a try.

5 **THE CLERK:** All right.

6 **THE COURT:** This is a confidential session.

7 **MR. PITTELL:** I think Ms. Rados needs to resend.

8 **THE COURT:** She's working on it right now.

9 **MR. PITTELL:** Thank you.

10 (Discussion off the record.)

11 **THE CLERK:** All rise.

12 **THE COURT:** Okay. Please unrise.

13 Okay. Good morning, again. I'm looking at the
14 Government Zoom platform monitor and it appears that all of the
15 attorneys, those that -- members of the public that wish to
16 participate are all present and, of course, Sachin Aji Bhaskar
17 is present.

18 This is a public proceeding, obviously. We did put
19 notice on for anybody that wanted to participate and our court
20 reporter is in the process of transcribing, so we should be
21 ready to go.

22 Ms. Rendelman, since you switched locations on my
23 screen with Mr. Pittell, is the defense ready?

24 **MS. RENDELMAN:** Yes.

25 **MR. PITTELL:** Yes.

1 **THE COURT:** All right. And, Mr. Pittell, you are
2 ready?

3 **MR. PITTELL:** Yes.

4 **THE COURT:** And, Mr. Sachin Aji Bhaskar, you are ready
5 as well?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Okay. If you need to stop for any reason,
8 just let me know. Raise your hand or interrupt whatever is
9 going on, so that we can make certain that everything according
10 for what's best for you takes place.

11 And, likewise, for the attorneys on both sides, if you
12 need to interrupt for any reason, just let me know and we will
13 work everything out clarification-wise and try to get whatever
14 the issues are resolved.

15 I'd referenced in the preliminary remarks, at least
16 the first bout with those, what this case is about, primarily
17 sentencing on the one count indictment charge with a Class A
18 felony, which is the sexual enticement of a minor charge.

19 There are no objections to the factual statements
20 contained in paragraphs 8 through 24 and pages five through ten
21 of the revised presentence report, which was last revised
22 September 21st of 2020.

23 And, Ms. Ferraro, that are no additions to that, I
24 take it, right?

25 **MS. FERRARO:** That's correct, Your Honor.

1 **THE COURT:** Okay. And I will be adopting the
2 statements that are contained in there as my findings of fact
3 and I incorporate those into the record.

4 That will be supplemented as findings with the
5 information that's provided to me in this proceeding as we go
6 forward.

7 Just so everybody knows, I am in receipt of
8 approximately 15 character reference letters and I read each one
9 of those carefully.

10 And they are from, among others, the parents of
11 Mr. Bhaskar, and they reference certainly positive and
12 mitigating things with respect to Mr. Bhaskar.

13 I mean, his father pointed out that he has good
14 leadership qualities, among other things. His father being an
15 ex banker and I think currently he's an entrepreneur.

16 I looked at his brother's letter, who also worked at
17 Calspan and who pointed out that his brother is certainly a
18 morally upright person.

19 His sister-in-law talks about the fact that he,
20 meaning the defendant, is a hardworking individual. His uncles
21 stress that he is kind and that he is a good soul.

22 His friends, among those from Canada, find him to be
23 considerate and bright. There are a lot of references to the
24 Toastmaster Club from acquaintances and friends and the bottom
25 line on all of those comments is what a great communicator

1 Mr. Bhaskar is.

2 So I'm going to give all of that -- and plus all the
3 other details from other individuals due consideration. I've
4 also considered the psychological evaluations by Dr. Richard
5 Krueger from August of 2020 and from Dr. Michael Rutter, from
6 December of 2018.

7 And I've also considered really a plethora of
8 submissions, including Mr. Bhaskar's college materials,
9 writings, books he has read both in and out of his
10 incarceration. They are all in the record at Docket Number 64.

11 I've sent spent a great deal of time reviewing the
12 very well presented and written sentencing memorandum from
13 defense counsel. I mean, I think it numbers 44 pages and it was
14 substantive and it was thorough.

15 There was a 15 page Government response to that with
16 the transcript of conversation with the victim in this
17 particular case. And I also looked at the response for the
18 sentencing memorandum that was part of the record as well.

19 The Government is moving for the application of an
20 additional one level departure for acceptance of responsibility.
21 I know this is all detailed, but it is necessary to make sure
22 that the record is clear and I'm going to grant that request.

23 That works for Mr. Bhaskar's best interest or
24 advantage in that it then results in an additional level of
25 credit. That's been incorporated into the revised presentence

1 report at paragraph 40.

2 Now what is objected to is paragraph 49 of the revised
3 presentence report, wherein the probation officer sets forth the
4 underlying facts of the charges pending against Mr. Bhaskar.

5 In Pennsylvania, those charges relate to allegations
6 that Mr. Bhaskar sexually assaulted a 15-year-old girl in April
7 of 2018.

8 And the defendant has been charged with rape by
9 forceable compulsion, a felony. Involuntarily deviant sexual
10 intercourse with a person less than 16 years of age, a felony.
11 Statutory sexual assault four to eight years older, a felony.
12 And indecent assault of a person less than 16 years old, a
13 misdemeanor.

14 The revised presentence report in this case details
15 the facts set out in the Pennsylvania State Police report. That
16 recitation includes that the allegations asserted against
17 Mr. Bhaskar by the victim were contradictory.

18 Nonetheless, the facts, as relayed, are accurately
19 included in the report. Those facts involve conflicting details
20 concerning the circumstances of the sexual encounter, but there
21 appears to be little dispute that a sexual encounter occurred
22 between the defendant, Mr. Bhaskar, who was 21 years old at the
23 time and the 15-year-old victim, who due to her age, could not
24 legally consent.

25 Defendant requests that the contradictory statements

1 set forth in the presentence report as drawn from the police
2 report be stricken.

3 I find no cause to do so. These facts are accurately
4 drawn from the police report and serve as speculation for the
5 charges listed in paragraph 49.

6 I understand that the charges are pending at this time
7 and that Mr. Bhaskar is entitled to a presumption of innocence.
8 That goes without saying.

9 Defendant's denial of certain portions in this
10 recitation are noted. And I will consider his position, as I
11 contemplate an appropriate sentence in this case.

12 So defendant requests that were made through his
13 attorneys to strike portions of paragraph 49, however, are
14 denied.

15 That leaves us with a properly calculated sentencing
16 number or as we some times more technically refer to it as a
17 total offense level of 43, with a criminal history of one, which
18 is the lowest of six numbers. And usually that's mitigating as
19 far as the outcome of sentencing is concerned.

20 The advisory range for this offense by way of custody
21 is life. The advisory range for supervised release is five
22 years to life.

23 And there is no eligibility for probation and the fine
24 range is \$50,000 to \$250,000. Now, that's a very severe penalty
25 exposure.

1 As I just indicated the advisory range, under the
2 guideline, is life imprisonment. Under the statute Mr. Bhaskar
3 faces a minimum sentence of ten years up to a maximum of life.

4 The Government requests that I impose a sentence of
5 30 years. You, Mr. Bhaskar, requested a nonguideline sentence
6 of ten years, the statutory minimum.

7 Either way that you look at the requests, those
8 requests for time are severe. But the offense conduct here is
9 deeply disturbing.

10 You, Mr. Bhaskar, a 22-year-old man at the time met a
11 girl on a dating site called badoo. In August of 2018, this
12 girl told you that she was only 15.

13 Nonetheless, you engaged in multiple sexually explicit
14 and extremely vulgar conversations with her, offered to teach
15 her sexual techniques and encouraged her to lie to her mother
16 and meet you for the purposes of engaging in sexual activity and
17 unfortunately she did.

18 Now, I know this is graphic and I know it's hard for
19 some to hear, but that being the case, these are the facts.

20 Later in August of 2018, you picked up the minor
21 victim and took her to your brother's apartment, where you had
22 unprotected sex with her.

23 Thereafter, you continued to contact the victim for
24 sex weeks later and you did all of this supposedly believing
25 that the minor victim was 15 years old. In fact, she was just

1 an 11-year-old child.

2 And as I discussed earlier, this was not the first
3 time you allegedly had sex with an underaged girl. While I
4 understand that the circumstances are disputed, you have been
5 charged with engaging in similar conduct just four months prior,
6 in April of 2018.

7 You are charged with having sex in Pennsylvania with a
8 15-year-old girl, after arranging to meet her for sex using an
9 online dating site.

10 Now, against this full backdrop, I have read and
11 considered your sentencing submission, which is voluminous.

12 I am and have become aware of the fact that you enjoy
13 considerable family and community support and that you are
14 regarded as an accomplished, bright young man, who enjoys
15 reading, writing and participating in Toastmasters Club, that
16 academic club that is emphasized in a lot of the letters, both
17 in high school and college.

18 And that you hold an engineering degree from Penn
19 State and were employed in your field of expertise.

20 I am aware, Mr. Bhaskar, that you claim to have been
21 sexually abused by an older man in the community, when you were
22 12 years old. And that you claim to have experienced some
23 culture shock when you came to the United States from Oman.

24 Finally, I have reviewed the assessments completed by
25 Dr. Krueger and Dr. Rutter. They conclude that you suffer from

1 depression, but that you are not a danger to the community and
2 that you have a low risk of recidivism.

3 But I'm also aware of the Government's view, which is
4 that you, Mr. Bhaskar, are a child predator, who preys on young,
5 vulnerable girls to exploit.

6 It characterizes you, that is the Government -- as I
7 quote: "A parent's worst nightmare". And as a danger to the
8 community.

9 It views you as a wolf in sheep's clothing,
10 so-to-speak. Given your outward appearance as an upstanding
11 citizen, with a solid education and a good job, as an engineer.

12 And the Government rightfully highlights the
13 appalling -- the appalling fact that you enticed an 11-year-old
14 child to have sex with you.

15 One who told you that, quote: "She liked to draw".
16 Which most certainly should have caused you to realize that you
17 were communicating with a young, immature child.

18 The Government notes that when the victim referenced
19 her mother not approving of a meeting, that you told her to lie
20 and say she was just meeting a friend.

21 In the Government's view, you conduct shocks -- your
22 conduct shocks the conscience, as you enticed and then raped an
23 11-year-old impressionable child.

24 I'm not going to impose sentence until I hear from the
25 lawyers and you, Mr. Bhaskar, but as you can probably tell, I do

1 view your conduct to be incredibly troubling and incredibly
2 serious.

3 I will factor in everything that I now hear before
4 making a final judgment. And I can assure you that the sentence
5 that I will impose will be a fair sentence, to the best of my
6 ability.

7 It will be sufficient, but not greater than necessary.
8 It will hold you accountable. It will seek to deter and it will
9 be in the public interest and respectful of the victim and
10 future considerations.

11 So with that, I guess, I start with Mr. Pittell or --

12 **MR. PITTELL:** Yes, Judge. I would like to address one
13 aspect of our objection to paragraph 49 of the PSR.

14 I acknowledge that you reviewed our response, the
15 Government's response, the probation department's response and
16 you made your ruling.

17 However, there is one aspect to probation's response
18 which is a revised PSR on page 24 that I would ask that you give
19 consideration to ordering being removed.

20 I'm actually referring to -- it is the -- it's in at
21 least on the page that I have, the third full paragraph of page
22 24, where the probation department writes: It appears the fact
23 that the minor victim may have suffered from mental health
24 issues has been noted by the defendant to disparage the victim.

25 Even though they are referencing the defendant,

1 obviously, the objection was written by counsel.

2 First of all, we did not reference her mental health
3 issues with the intent to disparage the victim. Also, her
4 having mental health issues was brought up by the probation
5 department.

6 It's mentioned in paragraph 49. Our reference to it
7 is in response to what they wrote in paragraph 49. And all that
8 we did was we actually identified the mental health issue, which
9 was reality disorganization disorder, which explained why she
10 gave conflicting reasons.

11 So I think it's unfair to the defense for a opinion
12 comment to be included in the PSR, which, from our perspective,
13 is not accurate, and we would request that that be stricken from
14 the PSR.

15 **THE COURT:** Okay. Mr. Pittell, my ruling will be the
16 same. I -- I don't believe that there is a sufficient basis to
17 strike it.

18 I will view it only, however, with the caveat that you
19 pointed out to me, which bottom line does not resolve the
20 statement issues that you referred to.

21 So on that basis, it will remain, but I will view it
22 differently than if it were an established fact.

23 **MR. PITTELL:** Okay. The -- since we're talking about
24 the PSR and the guidelines, I just want to make some comments
25 about the guidelines.

1 And then regarding the other comments regarding
2 sentencing that Ms. Rendelman will make, I trust, as Your Honor
3 has seen from our submission, that we do not object to the
4 calculation of the sentencing guidelines.

5 We have reviewed the PSR carefully. We reviewed the
6 guidelines and we agree that the calculation is correct.

7 However, in our sentencing submission, we just wanted
8 to point out that the sentencing guidelines are not perfect. I
9 mean, the Supreme Court has said that in Booker and Fanfan
10 cases, which criminal practitioners don't even need to cite. We
11 all know what they stand for.

12 And that is why we referenced the two level
13 enhancement under Section 2G1.3(b) (3) (A) as being duplicative
14 for use of a computer it's why we referenced 2G1.3(b) (4) (A) for
15 an offense involving a minor between the age of 12. And it's
16 why we had referenced the repeat offender enhancement under
17 Section 4B1.5(b) (1) .

18 Again, we're not objecting to the application of these
19 guidelines. The facts warrant application. However, we just
20 urge you that when you consider how these -- the life guideline
21 was reached, that to some extent the guidelines can cause or
22 these enhancements can cause an overstatement of the guideline
23 range.

24 The use of the computer, we urge the Court to consider
25 that in this day and age, that enhancement is -- is somewhat

1 duplicative because offenses such as this one can only be done
2 electronically. Even though it's called use of a computer,
3 using any electronic device suffices.

4 Realistically, this offense is not done on paper
5 anymore. It's not done through the U.S. mail anymore. In
6 today's modern day and age, it's going to be done with a
7 computer. Again, I ask you to take that into consideration.

8 Regarding the other two enhancements, the repeat
9 offender enhancement, the attachment involving a person under
10 the age of 12, the way they are written, they broadly apply, but
11 we tried to point out is that in this instance, when Mr. Bhaskar
12 had sex with the victim, he did not know that she was under the
13 age of 12.

14 He was not a predator seeking children under the age
15 of 12. The fact that she turned out to be 12 causes the
16 application of the guideline.

17 But I just urge you to at least give consideration
18 that this guideline applies even to someone who is not
19 intentionally seeking out someone who was under 12 years old, as
20 well as someone who is seeking out children that are under
21 12 years old.

22 The same thing with repeat offender. In that
23 instance, as we've indicated in our submissions, in the
24 Pennsylvania case, Mr. Bhaskar, when he met her, he met her on
25 an adult website.

1 He thought he was meeting someone over 16. The fact
2 that she is under 16 subjects him to criminal liability. But at
3 the same time, there is a difference between people that
4 intentionally seek out minor children and people that do not
5 intentionally seek them out, but nonetheless are subject to
6 criminal liability because statutorily the person is under the
7 age.

8 So, again, I'm not objecting. I'm just asking that
9 when you consider all of 3553A factors, including the
10 consideration of the sentencing guidelines, that you at least
11 take these comments into consideration.

12 **THE COURT:** Okay. Mr. Pittell, I will assure you that
13 I will do that.

14 As we all know, the sentencing guidelines are just
15 that. They are a guide and I am required to consider their
16 guidance, if you will.

17 And I can and will consider the nuances and the
18 variation that might arguably be applicable. I am certainly
19 well aware of the fact, as you point out, that we are in an
20 electronic age and that communications essentially are
21 electronic.

22 And I know you don't dispute that the victim in this
23 case was less than 12 years old. She was 11. And all of that
24 information and the distinctions and the variables, I will take
25 into account in assessing the impact of the mitigating

1 circumstances, as well as the aggravating circumstances in this
2 case, so I give you my assurance that I will do that.

3 Ms. Rendelman, are you now going to say something or
4 do I --

5 **MS. RENDELMAN:** Yes, Judge.

6 **THE COURT:** Okay.

7 **MS. RENDELMAN:** Yes. Thank you, Judge. And bear with
8 me, sometimes there is some noise outside, I think they are
9 pounding on the outside of the door doing some kind of
10 construction, so I apologize.

11 You know, Judge, I'm not going to spend a lot of time
12 going over our sentencing letter. I think, obviously, the Court
13 acknowledged we wrote a 44 page memo.

14 It included Mr. Bhaskar's school records, medical
15 records, forensic reports, letters of achievement awards,
16 letters of support from both family and friends.

17 I think the Court recognizes that myself, along with
18 Ms. Sepafinin (phonetic), who worked with us as well, who is my
19 associate, we spent a great deal of time just so you understand,
20 not just writing a memo, but discussing what should be included,
21 how it should be included, what we believed was potential
22 litigation.

23 And I think on of the things that I am most proud of
24 is we presented the facts as honestly as we could. We stuck to
25 the facts.

1 I know from my experience as both a prosecutor and a
2 defense attorney now, who have handled sex crimes on both sides,
3 I think we really were cautious when writing this memo and
4 cognizant of any sensitivities that exist in writing a memo
5 where a child is involved in sexual abuse.

6 And I think the Court has already recognized some of
7 the mitigation that we spoke about, which is taking
8 responsibilities early in the process and admitting his guilt.

9 No prior convictions. He has a criminal history of
10 one. He's been a model inmate and has used his time positively,
11 instead of causing any more trouble than has already happened.

12 He has suffered sexual abuse, parental abuse.
13 Excelled in school, even while suffering a substantiating
14 depression both before and during the time the crimes were
15 committed.

16 And I think from Dr. Krueger, we have that this is an
17 individual with a low risk of offending -- reoffending, I
18 apologize.

19 We believe this is, obviously, are the factors that we
20 asked the Court to consider. And while my comments about our
21 report are brief, even though the Government wrote a much
22 shorter sentencing memo and, in fact, the majority of it
23 involved actually a recitation of the text messages between the
24 victim and my client, I think that I would be remiss if I did
25 not respond to the comments made by the Government in their

1 submissions.

2 And I admit, Judge, and -- you know, look, everyone
3 has been doing this a long time. I've had my own experiences,
4 positive and negatively with the Government at different times.

5 And one of the things I admit was when I read the
6 memo, I was a bit taken back -- taken aback, and my colleagues
7 were as well, about some of the misleading statements by the
8 Government in their memo to the Court.

9 I want to start with something that I think is kind of
10 subtle, but kind of defines for me and Mr. Pittell the setting
11 of how the report was written.

12 Now, obviously, there is facts in there that are
13 undisputed. There is text messages between the two that none of
14 us can question. No one sitting here, as the Court
15 acknowledges, in any way states that my client did not have sex
16 with an 11-year-old child and the important nature of that.

17 But I want to start with something so subtle and that
18 is -- and maybe it's a stylistic approach. Maybe all of the
19 Government's responses are written this way.

20 Although, I have read a bunch from Buffalo and haven't
21 seen this before, but it seems that the government wanted to
22 intimate that Sachin Bhaskar is the writer of our memo.

23 And therefore --

24 **THE COURT:** I'm sorry. Repeat that.

25 **MS. RENDELMAN:** That Sachin Bhaskar is the writer of

1 our memo. And therefore kind of takes liberty to bash
2 Mr. Bhaskar on the way he wrote the memo.

3 Even though he full well knows -- the Government
4 obviously knows that it was the attorneys that wrote that memo.
5 A memo that was written quite fairly to advocate for our client,
6 which is what our job is.

7 And although it's a subtle thing, it kind of rang for
8 us throughout, and that's why I go back to what Mr. Pittell
9 described about, where the Government writing that we wrote to
10 just -- we wrote about the Pennsylvania girl's young woman to
11 mental health to disparage her, knowing full well it was already
12 in the probation report, which is misleading to the Court, which
13 makes it unfair to us and our client.

14 And so I give you that as the backdrop, because when
15 you turn to page three, the prosecution writes as follows: It
16 is difficult to determine how much of his -- being Sachin
17 Bhaskar's -- background actually is true, as little of it is
18 corroborated or refuted.

19 First, Judge, almost every single word in the memo has
20 been corroborated by other exhibits provided not just to the
21 Court, but to Mr. Ippolito.

22 When we spoke of his schooling, we provided the school
23 and the Government with transcripts. When we spoke of his
24 successes and his accolades in school, we provided
25 documentation, plus letters from those who knew him.

1 We spoke of his depression. We provided evidence of
2 medical records from before the incident -- both incidents in
3 New York and Pennsylvania, from doctors in India.

4 We discussed his sexual abuse as a child. And we then
5 provided medical records from 2016, two year before these
6 incidents happened.

7 He is described by a doctor in India: Sachin has
8 constant episodes from his childhood incident affecting
9 day-to-day activities. Symptoms of mental trauma, depression
10 that have persisted for several years.

11 He -- he revealed being the victim of brutal sexual
12 abuse during his seventh and eighth grades. Constant
13 flashbacks, fear of disclosing for fear of judgment and
14 embarrassment. His depression deteriorated over the session.

15 And then, when he returns to India, January of 2018
16 and September of 2018, this is the very time that the incidents
17 occur, he meets with another doctor.

18 And that second doctor describes him as manic.
19 Believed he should be in a mental health center. Weeping
20 spells, anger inactivity, depression, fatigue, lack of
21 interaction, all around the time of the incidents, which is
22 April and August of 2018.

23 We have corroboration from Sachin's older brother,
24 from forensic reports about the incident. Mr. Bhaskar was also
25 completely cooperative with probation. He willingly spoke to

1 them.

2 The Government has had ample time to investigate any
3 aspects of his background that they questioned. And it's
4 disingenuous for the Government to sit idle, do no work, and
5 then say little is corroborated.

6 I move on to page four, where it says: He now --
7 being my client -- seeks pity from this court. He wants this
8 court to believe, that if he had not been so lonely, perhaps his
9 life would have turned out differently.

10 Again, where does my client ever ask for pity from
11 this court? Sachin Bhaskar pled guilty and acknowledged his
12 guilt.

13 He didn't ask for pity. He is asking, as we are, for
14 a fair and just sentence, as every other defendant, whether a
15 United States citizen or not, who comes before this district and
16 for a sentence that is fair and just.

17 He's not asking this court to believe that he
18 committed this crime, because he was lonely. There was
19 absolutely nothing in our report that suggests such a view. And
20 the Government is well aware of that, unless the Government did
21 not take the time to read our memo.

22 The submission gives this court what the submission is
23 supposed to give this court, the background of the individual
24 before them, his potential state of mind, both during and after
25 the incidents. His mental health during and after. His

1 achievements. His failures. We gave you everything.

2 Then on page four, he goes on to state: -- the
3 Government: If Bhaskar had been in such mental and emotional
4 turmoil by being in the U.S., he could have returned home.

5 I have to be honestly, Judge. I read that 30 time --
6 I read our argument 30 times. 30 times, if not more. And when
7 I read that, I had such a sick feeling in my stomach -- and
8 maybe I'm interpreting it wrong, but Mr. Pittell and
9 Ms. Sepafinin felt the exact same way I did.

10 First of all, that's not what our memo ever said. Not
11 once did we indicate that his mental and emotional turmoil, was
12 based on him being in the United States. That is a false and
13 misleading statement.

14 We raised that fact that there are culture differences
15 in the United States from where he grew up. Those are facts.

16 We raised the fact that coupled with his cultural
17 differences, Mr. Bhaskar was clearly suffering mental health
18 issues as described by his doctors, both prior to the crimes and
19 around the time.

20 The Court has a right to consider that in determining
21 if any aspect of those cultural differences, along with his
22 corroborated mental health played a role in why he is before
23 Your Honor today or not.

24 Not let me be clear that he entered this country
25 legally. He went to school in the United States, that he was

1 legally permitted to go to.

2 Yet the Government seems to suggest that those were
3 not U.S. citizens. Coupled with those who have mental health
4 issues have no place in U.S. society. Send them back from where
5 they came from.

6 Completely dismissive of mental health issues that
7 seem to stem partly from his own sexual abuse in India, as
8 though somehow Sachin should be punished more for not going
9 home. Punished more because Bhaskar is from a different
10 culture.

11 Then on page four in yet another transparently
12 misleading statement to this court: In most cases -- and the
13 word is most cases, in which the defendant requests the minimal
14 possible sentence, the Court has some evidence that the
15 particular defendant was involved in the community, served his
16 country, or lead an exemplary life.

17 He goes on to name three cases from 2008. Those are
18 the only cases he could come up with. And not a single one from
19 this jurisdictions. Not one from this jurisdiction.

20 One defendant is a funeral director, who went -- one
21 who went to a good high school and had accommodation from the
22 Navy, one who had been in the Army reserve.

23 And we know that they are exist in your jurisdiction,
24 because we gave you only a small handful of tons of them in
25 which the result occurred.

1 Intimating that you have to be a either funeral
2 director or a member of the Army reserve in order to get a
3 mandatory minimum in this district.

4 The defense begs to differ. The case law begs to
5 differ. The Government goes on to state that there is no
6 evidence before this court to suggest the defendant lived as
7 honorable a life as the defendants from the above cited cases.

8 And the reason he says this is because the
9 Pennsylvania case is just four months before this incident.
10 Well, Hanson one of the cases he refers to, was a 49 year old
11 funeral director, who had been drinking himself into a stupor
12 for four years before he finally got caught with child
13 pornography.

14 And the Government says that person is much more
15 honorable than my client. Sachin Bhaskar excelled academically
16 in his college. Excelled in sports.

17 While others were out partying, he worked with those
18 students to help him with his career. Educated the community.
19 Sachin sanctioned for biggest philanthropic event at Penn State.
20 I went there. I know.

21 Visited nursing homes as part of the community
22 service. Continued to go. Developed fellowships with the
23 elderly. Sat for hours with them.

24 Described by friends fortunate. As one of the
25 people -- as someone who expressed gratitude for the opportunity

1 to receive a higher education, and that the crime was not in his
2 character.

3 Jenny Hahn, who said he has helped members with their
4 Penn State club, who had English as their second language.
5 Patty Thor describing him riding seven miles in the rain to
6 attend an event because he did not want to burden anyone.

7 Is he less honorable than the three he described?
8 Then the Government goes on: Bhaskar discusses cases from
9 districts to support his claim that he should be sentenced to
10 the minimum.

11 None -- this is what the Government says: None
12 involving the victim as young as the victim in this case. Many
13 don't involve hands-on touching. Many only involve exchange of
14 sexual images.

15 The Government's description of these cases, we
16 provided, is so incredibly grossly misleading.

17 Of the seven cases we provided from this district, it
18 was the sentence was at or below ten years. Five of the seven
19 involved sexual abuse hands-on touching of the minors.

20 Those same five cases didn't just involve sexual
21 abuses. They also possession of child pornography as well,
22 which does not exist here.

23 The only two case where there was not hands-on
24 touching, were, one, the Court sentenced the defendant to five
25 years, but both involved meeting with minors, who ended up being

1 undercovers.

2 In addition, in one of those where the court gave the
3 mandatory minimum, the guy had child pornography on his computer
4 after his arrest and lied at his trial regarding his criminal
5 actions.

6 Further, while the Government claims none of cases
7 where a defendant received a ten years sentence had a victim
8 under the age of 11.

9 Perhaps the Government missed Clores Torres
10 (phonetic), where the defendant was 25. He had oral sex with a
11 14 year old, plied with marijuana and alcohol and then created
12 images of him placing a four year old child's hand on his penis
13 and masturbating.

14 The same defendant was the hit of an online chat room
15 that treated porn -- child porn, including images of minors less
16 than 12 years of age, depicting violence and masochism. He got
17 a ten year minimum in this jurisdiction.

18 While not referencing in this memo, Judge, I also
19 refer to United States V Krepp, 2018. It was a case before
20 Judge Siragusa.

21 The defendant was a registered sex offender, prior to
22 this offense. He repeatedly raped a ten year old who he had
23 lived with.

24 He continued for four -- I'm sorry, for five to six
25 years. In fact, the Government in this jurisdiction submitted

1 an affidavit from the child describing the crime of Mr. Krepp
2 coming into her room every night.

3 They described him as a relentless serial pedophile
4 and rapist. Yet when they were asked for the amount of time,
5 they asked for 168 months. Half. Half of what they are asking
6 here today.

7 Is Mr. Krepp somehow more honorable than my client?
8 Is the Government suggesting that the sex abuser who owned a
9 bouncy house to lure children, but received the minimum lived a
10 more honorable life than my client?

11 On page five, Bhaskar, he says -- which is the
12 Government says: Failed to address the allegations of similar
13 sex abuse by the victim from the State of Pennsylvania.

14 It is a blatant dishonest comment. We address it not
15 only in our objections in the presentence report, our,
16 sentencing memos spoke about it.

17 The only thing we that objected to was the probation
18 recitation of the facts. Page five: He chooses his victims who
19 may have had a difficult childhood in order to be sure he could
20 later change their credibility if they were ever caught.

21 Where is the evidence of that in way, shape or form?
22 There was no evidence presented that the victims had a difficult
23 childhood, let alone that the defendant knew of a difficult
24 childhood.

25 He met the victim and the victim in the other case on

1 an adult website. He was interested in them when he believed
2 their age to be adult females above the age of consent.

3 There is no evidence that his crimes were thought out,
4 planned, premeditated, that he sought out individuals who could
5 later change the credibility. In fact, he admitted immediately,
6 after speaking with the agents, that he had sex with the Buffalo
7 victim.

8 Page six: Bhaskar argues he was the victim of sexual
9 abuse as a child and claims to have suffered deep depression at
10 different times.

11 Of note in the reports provided by Dr. Krueger and
12 Rutter, neither gave any serious consideration to the
13 allegations of the victim of Pennsylvania. Completely untrue.

14 And first of all, Bhaskar was not arrested for the
15 initial crime at the time that the initial doctor did the
16 evaluation.

17 Krueger speaks about the Pennsylvania case in his
18 assessment. It's named and it is talked about in the
19 assessment.

20 Second Rutter's evaluation was before the Pennsylvania
21 case came to light. And there is no evidence he knew she was
22 less than 16 years of age of consent at the time that he had sex
23 with this girl.

24 Page seven: Never mentioned the father's abuse to
25 Krueger or to the doctors in India. And he describes the father

1 as friendly and loving.

2 The Government says: No mention of this abuse. Then
3 in the next sentence, within their -- their memo, they write:
4 Neither doctor ruled out malingering, which is the intentional
5 production of exaggeration of physical, psychological symptoms.

6 If anything, Judge, just so we're clear, Bhaskar
7 minimizes his depression when speaks to friends. Minimizing the
8 depression is the exact opposite of what of malingering.

9 How many victims of domestic abuse have also referred
10 to abusers as friendly and loving. It is disingenuous to any
11 spouse to say differently.

12 In fact, the DSM-V of which the Government refers to,
13 is full of references to victims are viewing tormenters as
14 positive role models.

15 Because in many ways Mr. Bhaskar didn't and doesn't
16 view the physical abuse at the hands of his father as abuse. As
17 his brother spoke about, the family viewed such behavior as a
18 culture norm at the time.

19 To be honest, Mr. Bhaskar didn't even want to talk to
20 us about what happened with his father. He felt and still feels
21 it is disrespectful and dishonorable to admit to such family
22 secrets.

23 But to question it happening and then for the
24 Government to raise issues about why Dr. Krueger and Rutter
25 didn't rule out malingering?

1 Mr. Ippolito refers to three cases in 2008. All, I
2 believe, had psych reports. None, I believe, used the
3 phraseology that the doctor ruled out malingering.

4 Why? Because if the doctor thought malingering
5 existed, that would have been part of the report.

6 Further, Krueger uses other evidence, including
7 interviews with his brother, medical records from before the
8 crimes to ensure his truthfulness.

9 In addition, there is a Hare Psychopathy test, which
10 is administered. And it has items in it that talk about
11 malingering.

12 Malingering is defined as an intentional production of
13 false or grossly exaggerated physical or psychology symptoms
14 motivated by external incentive.

15 Bhaskar scored incredibly low in that area. Bhaskar
16 didn't even tell that his father abused him. He indicated he's
17 not as depressed as he was before.

18 He's doing the absolutely opposite of malingering. If
19 he wanted to overdue it, he would have had a whole lot more of
20 mental issues -- mental problems to the mix.

21 Page 11: He blames an 11-year-old child for being on
22 an adult dating website, for having conversations with other
23 adult males. Bhaskar should be ashamed of himself for
24 attempting to blame the victim for his actions. Lamé attempt to
25 slut shame the victim.

1 Mr. Pittell, Ms. Sepafinin and myself spent hours
2 discussing this case, Your Honor. We spent hours deciding what
3 would be included in this memo, balancing how to discuss this
4 sensitive issue.

5 I was a prosecutor half my career. The Government is
6 well aware there is a difference between an individual who
7 stalks an elementary school looking for children or goes to a
8 non-adult website, hoping to meet underage girls, versus an
9 individual who meets someone on an adult website, reaches out to
10 them believing they are an adult.

11 Even probation's report acknowledges that that's true.
12 This is simply what unfortunately I hate thinking goes on in a
13 Federal courthouse, what we refer to -- at least in New York
14 City, as a cheap shot.

15 Government argues he had to have known she was 11, not
16 15, but 11. He had to of. But we're not supposed to respond
17 and give background to the Court?

18 The Court, Your Honor is supposed to be provided with
19 the facts that surround the case. That evidence includes the
20 good, the bad, and the ugly.

21 The fact that she was on an adult site, just as
22 probation talks about. That she was having conversations with
23 adult males and appeared older than her given age, is not to
24 give an excuse to the defendant's actions, but to give the Court
25 facts in terms of the context of how this unfolds to decide the

1 appropriate sentence.

2 The crime that Sachin Bhaskar admitted was
3 inexcusable. But the complete lack of objectivity on the part
4 of the Government, they seek out one sentence, that the Court
5 referred to, that she likes to draw is the defining moment that
6 she is 11. She says many other things, Your Honor, in the texts
7 that one would never assume that she so young.

8 We submit a sentence of ten years adequately takes all
9 the factors into consideration. Is a sufficient, but not
10 greater than necessary sentence in this case, based on all the
11 information that we have provided in our sentencing memo and our
12 comments here today. Such a sentence takes the personal
13 history, characteristics of Mr. Bhaskar into consideration.

14 In terms of avoiding an unwarranted disparity, we have
15 referenced seven cases within the district, where a defendant,
16 like Mr. Bhaskar, had no prior criminal history, engaged in
17 similar or more egregious conduct and were sentenced to ten
18 years or less.

19 Similarly, a sentence consistent with what was imposed
20 upon those defendants provides sufficient deterrence.

21 Finally we submit that in light of the fact that
22 Mr. Bhaskar will, in fact, be deported after his sentence, a ten
23 year sentence does not further impose a further danger to the
24 community.

25 Thank you.

1 **THE COURT:** Okay. Ms. Rendelman, certainly the record
2 will reflect your argument and what you brought to my attention.

3 I mean, it's a little bit difficult and I think to
4 some extent unnecessary to go through a point-by-point rebuttal
5 of each point that you raised because they fall within
6 everything that has to be considered here.

7 You referenced a lot of things and I acknowledge that
8 there are distinctions that are not without distinction in terms
9 of what the Government presented and argued in your view on your
10 interpretation of what the Government has put forth for my
11 consideration.

12 I know you have been with the prosecutor's office, by
13 your admission, for a long time before embarking on defense
14 work.

15 And I think you and I both know that the Government is
16 accused time and again of sitting idle and taking liberties that
17 perhaps we can term specious under the facts and circumstances
18 of a particular case.

19 And that certain conduct that the Government perhaps
20 should have engaged in, but did not can result in the sick
21 feeling that you referenced, as far as employing arguments from
22 facts that lend themselves to that kind of argument, such as the
23 impact of cultural differences in this particular case.

24 I don't find any malfeasance by the Government in this
25 case. I think the arguments that I viewed lend themselves to

1 fair inferences. But when you talk about fair inferences, you
2 can spin that two ways.

3 And you know, as well as I know, that there are clear
4 distinctions between making an argument from facts that result
5 in absolute certainty and arguments from facts that can be
6 termed reasonable certainty.

7 So I have to look at it in a broad and open minded
8 fashion, in a way that's fair to the defendant in this case.

9 And what I do know is that what is before me is this
10 case, not argument. Not innuendo. And I know the difference
11 between for consideration purposes alleged predatory conduct and
12 admitting predatory conduct of a 11-year-old, whether on an
13 adult website or not and that's the way that I will be focused
14 in this case.

15 The sentence will be fair. It will be just. It will
16 be reasonable. And we'll get there and I need to hear now from
17 Mr. Sachin Aji Bhaskar, because he's been listening to this case
18 and he's been listening to your argument.

19 And, Mr. Bhaskar, if there is anything that you want
20 to say, I will more than be happy to listen to that. I think
21 it's important and maybe you think your attorneys have said
22 everything you want to say. I don't know.

23 I do know you are a very bright guy. I do know that
24 you are an established orator, of sorts. I do know that you
25 have an accomplishment trail to be proud of, but I also know

1 that you admitted to a very serious crime here and that has to
2 be reckoned with.

3 There has to be accountability. There has to be
4 fairness. There has to be punishment. There has to be
5 deterrence.

6 These are all as Ms. Rendelman will concede and I
7 know, those are buzz words, but they have a very -- and
8 Mr. Pittell, when he talks about the guidelines, they fashion
9 themselves in a way that puts real meaning to those buzz word
10 terms, when it comes to protecting our society, especially our
11 most vulnerable, when you're talking about -- about -- well, in
12 Government terms: In conduct such as this is a parent's worst
13 nightmare.

14 Well, I suppose there is an argument to be made that
15 maybe there is something worse than that, but the fact of the
16 matter is, responsibly, one can argue that this is a parent's
17 worst nightmare.

18 When you have an 11-year-old girl that is taken
19 advantage of and prayed upon such as in this case, society can't
20 have that happen. You know that. There is no doubt in my mind
21 that you know that.

22 Yes. There are a number of factors that have been
23 argued and highlighted in the materials submitted to me that
24 have to be considered, whether it's a diagnosis of depression or
25 whether it's the incidents of sexual abuse that perhaps you

1 experienced, all of those things factor into ultimate conduct.

2 I'm trying to put that together as best I can. In
3 order to complete my consideration, I want to hear from you and
4 as well from the Government.

5 So if you think it's important to say something that
6 you think I should consider, I'd like to hear you now.

7 **THE DEFENDANT:** Can you hear me?

8 **THE COURT:** Yes. I can hear you.

9 **THE DEFENDANT:** Okay. Firstly, and most importantly,
10 I would like to apologize to the victims of this case and their
11 families.

12 I -- let's just have one moment of silence. Just one
13 moment of silence for the families that have suffered just
14 because of the actions that I have taken, so that I can find my
15 voice to speak.

16 Okay. I'm back. As I said, I'm really at a loss
17 for -- to the families that were inflicted by my action,
18 including -- no, not -- including the victims and my whole
19 family, who has suffered a lot as well.

20 And the suffering who have not -- I'm not for who to
21 suffer -- I have not done anything, because they are so far away
22 from me that -- and I feel like I am on a different planet
23 because --

24 **THE COURT:** Hold on, hold on. No, no. Wait, wait.
25 Take your time, because I have to know what you're saying and

1 the court reporter has to be able to take down. I know it's
2 emotional. Just take your time.

3 **THE DEFENDANT:** Okay. If you do not understand what I
4 say, just ask me to repeat it and I will repeat it you, okay?

5 You got that?

6 **THE COURT:** Well, that's what I'm doing, so thank you.

7 **THE DEFENDANT:** What I'm saying is I'm really sorry to
8 everybody, the victims, my family, my friends who I have lost,
9 my families' friends, who they have lost, who I don't even know
10 what they are going through because half of the things I'm not
11 able to read.

12 It's not for them to be able to share it with me.
13 It's not possible, including the victims and their families. I
14 really wish that I could get letters from them to see what their
15 suffering is, so that I could share my remorse with them, but
16 that's not something that I cannot see.

17 And I feel like if I was able -- if I was able to get
18 those kinds of voices from the victims and their families, I
19 would feel a little bit more happy, because I would be able to
20 share my voice with them and tell them how sorry I am.

21 Because this feels like I'm apologize to no one,
22 because the victims are not in front of me, the families are not
23 in front of me, and I cannot share my love.

24 If I had a chance, I would do anything and anything to
25 apologize to them. And the way that I would accomplish that,

1 which no other criminal can, is by acting with remorse, which I
2 have already started in my mind.

3 Because let's think about this in one way, how can a
4 criminal apologize to a victim?

5 **THE COURT:** Slow down, slow down.

6 **THE DEFENDANT:** What?

7 **THE COURT:** If you would slow down, please, it would
8 make it easier for us to understand.

9 **THE DEFENDANT:** Okay, okay. Sorry. I would say how
10 can an alleged criminal apologize to a victim and their family,
11 when they cannot see them?

12 I am going to accomplish that in one way or the other,
13 when I can mental up and show the family how I have suffered.

14 It is extremely hard for me to express my emotion, my
15 thoughts, the struggles that me and my family are going through
16 with immigration, the distancing and the -- the entire
17 conference of emotion.

18 The -- the purity of human emotion cannot be expressed
19 in just few words or -- (indistinguishable).

20 I would have to say that I will write a book, which I
21 have been doing a lot, which is ideal. But before I get into
22 that, I would just like to explain my remorse to these families
23 and how I am not able to express them.

24 Imagine me behind this cell here. How can I express
25 my emotions to people who I cannot see or to people who I don't

1 hear their own voices?

2 I really wish I had a chance to express my emotions,
3 that I have accomplished through my emotions.

4 Secondly, I would like to thank my family and my
5 lawyers and the friends who have come on the call, who have
6 supported me through this dark time.

7 Julie, I know of, have spent a lot of time on my case
8 and I would like to thank her a lot for helping me throughout
9 the case and to bring about a resolve to this case.

10 And I would also like to thank the four people of the
11 my family, my brother, my dad, my mom and sister-in-law, but I
12 will not call her sister-in-law because she is more than a
13 sister to me. I never had a sister and she's maybe the sister I
14 always wanted.

15 And I would like to my Federal department and the
16 Court and the prosecutor and the cops who caught me and put me
17 in this situation, because throughout my life, from my childhood
18 all the way to the U.S., even after I got educated and a job, I
19 have still been depressed.

20 I have been looking for, hey, what is it that I want
21 to do with my life? Because I am -- feel so insignificant. I
22 can say even, though, I attended a highly acclaimed college and
23 even though I have a God-given right with dreams, I have never
24 felt accomplished.

25 I have never felt happiness in its truest sense. I

1 have never felt like I'm going to be somebody. I am going to
2 now. I have been put in this situation.

3 Actually, I feel I have been crushed down in -- in the
4 chains of this underworld, if you say. Because through this
5 underworld, I have found awarenesses (sic) of what I exactly
6 want to do with my life and that is to write.

7 I want to become a writer. I want to become an
8 activist. I want to become a journalist.

9 I want to go back to India and become the true Indian
10 that I am, because I have a spirit that you can't see.

11 Can you feel how it feels like to be an alien? I'm an
12 alien because I have never been in my own country. I have not
13 spent enough time in my own country.

14 I have spent two months every year. I have spent only
15 two months in my own country since my work happens.

16 **THE COURT:** Wait, wait. Slow down. Pause. Compose
17 yourself, please.

18 **THE DEFENDANT:** Yes.

19 **MS. RENDELMAN:** Your Honor --

20 **THE COURT:** Compose yourself. Take your time.

21 **MS. RENDELMAN:** Your Honor --

22 **THE COURT:** Yes, Ms. Rendelman.

23 **THE DEFENDANT:** I have not -- I have not -- I -- many
24 people -- excuse me for --

25 **THE COURT:** Wait, wait.

1 **THE DEFENDANT:** That is my emotion. That's the way
2 humans are and I apologize. I apologize for getting too
3 emotional. I apologize for that. I --

4 **MS. RENDELMAN:** Mr. Bhaskar --

5 **THE COURT:** Okay. Stop, stop for a moment. Stop for
6 a minute.

7 Ms. Rendelman --

8 **MS. RENDELMAN:** Your Honor, I would like, if we can
9 have just a minute to speak to him.

10 Is that something we can do? Normally, obviously, we
11 would be right next to him. It's difficult to do that.

12 **THE COURT:** Sure, sure.

13 **THE DEFENDANT:** We can -- we can end it. Everybody
14 just end it. Just end it.

15 I would like to just thank everyone for everything,
16 because I know the objection is just going to be for me to stop
17 talking, so I will.

18 **THE COURT:** Okay. I think, Ms. Rendelman, we will go
19 forward based on what your client just said.

20 Okay. Mr. Bhaskar, thank you.

21 Okay. Just take a deep breath. Relax. I know it's
22 emotional, but I think you should know, it's helpful if I
23 understand everything that you are saying.

24 And you know what it means to speak well, so make the
25 effort. Divorce out the emotion. If you get emotional, just

1 take some time out. I'll hear you out, but go ahead. Continue
2 now.

3 **THE DEFENDANT:** No. I'm done speaking because that is
4 too much going to show that I would just like to end it with
5 apologizing again.

6 And just thanking everybody to changing my -- to who I
7 am now, which is a very strong person and I have gained a lot of
8 happiness from my family and love, which I have never felt
9 before.

10 And I'm just happy for that, for where I have become,
11 how I have changed into an extremely strong personality and I am
12 hoping to go even further.

13 Wherever I'm going to be sent, I'm going to grow even
14 more strong. That's in my notes. I'm -- (Indistinguishable) --
15 just thankful for society and I will share my love for humanity
16 within the coming years.

17 And it will be seen and I will share it with everybody
18 on the street to live. And perhaps there is -- that's the
19 reason of that. That's all.

20 **THE COURT:** Okay.

21 **THE DEFENDANT:** That's all I have to say.

22 **THE COURT:** Okay. Thank you. Thank you. Okay.

23 Mr. Ippolito, is there anything that you would like to
24 say?

25 **MR. IPPOLITO, JR.:** Yes, Your Honor. Your Honor, this

1 is a case about how the defendant was able to coerce an
2 unsophisticated, unsure 11-year-old child to have sex with him.

3 Although the defendant may appear to be a successful
4 upstanding person on the surface, we know underneath that false
5 veneer was a dangerous criminal who preyed on children to
6 satisfy his perverted sexual desires.

7 Plain and simple, what the defendant offers at
8 sentencing are a bunch of excuses for his conduct. The first
9 excuse, the defendant maintains that the Court doesn't
10 understand who he is. It's understandable.

11 He claims that he lived a tortured life in the United
12 States and blames the loneliness that resulted from a cultural
13 isolation for his actions. Hogwash.

14 If he lived such a desperate life, such a miserable
15 life that he would stoop to getting children to have sex with
16 him -- I mean, he could have simply returned home.

17 Next, he says -- his next excuse is, I was victimized
18 as a child. To support this claim, he submits barebones reports
19 from two doctors.

20 One report was prepared solely to get the defendant
21 released on bail, but what stands out from the reports are a
22 couple of things.

23 First, the doctors gave little to no consideration, if
24 any, to the allegation that the defendant committed similar
25 activity with another girl in Pennsylvania.

1 And in that case, just like here, the defendant
2 befriended a child. The defendant coerced the child to have sex
3 with him and then the defendant did have sex with her.

4 Mr. Pittell raises the issue right at the beginning of
5 these proceedings today. He says, wait a minute. Wait a
6 minute. I had an objection to this. And by the way, I'm
7 objecting to certain inconsistencies. And by the way, the
8 victim had mental problems. Did I mention that the victim had
9 mental problems? I mean, I want to make sure that we all know
10 the victim had mental problems.

11 We get it. We also know that the defendant had sex
12 with a 15-year-old and we know that because of DNA evidence.

13 The second thing that stands out is neither of the
14 doctors talk about malingering. They were hired solely for this
15 case. You think that they would have said, we considered that.
16 We considered malingering and we found that there was no sexual
17 malingering here, in this case. None of that. None of that at
18 all.

19 The next excuse that the defendant comes up with, he
20 was physically abused as a child by his father. He blames his
21 father.

22 Reports from Dr. Krueger indicated that the defendant
23 said that he had a friendly and loving relationship with his
24 father.

25 Why on earth would the defendant tell his doctor that

1 he had a loving relationship with his father, but tell this
2 court that he was physically abused?

3 There is only one reason, because he's lying. He is
4 lying in a feeble attempt for getting sympathy points from the
5 Court. He's lying to the Court to get just what he wants. Just
6 like he lied to the victims in this case, because he wanted to
7 get -- he wanted to fill his sexual desires. Hardly an
8 upstanding citizen.

9 Next, he blames the victim. Well, he says she
10 shouldn't have been on an adult dating site. He says, I didn't
11 know she was 11. She told me she was 15. He says, she looked
12 older than her age.

13 He then offers even the victim mother thought she
14 looked over. First of all, how is it even a defense that the
15 defendant thought he was having sex with the victim who was 15.
16 His conduct would have been offensive either way.

17 He says, I never gave her drugs or alcohol. No force
18 was involved. It was consensual. She was 11. He coerced an
19 unsophisticated, immature 11-year-old to have sex with him.

20 He manipulated the weakest amongst us in order to
21 satisfy his perverted sexual desires. This guy is a sexual
22 predator, with no morals whatsoever.

23 And now he comes to court today and he blames someone
24 else. He blames me. It's my fault he's in this situation.

25 Defense counsel's self-righteous indignation rings

1 hollow and nothing more than an attempt to change the
2 conversation.

3 Did you notice, she never talked about the case? She
4 never talked about the text messages? Why do you think that
5 was?

6 That the defendant thought his text messages would
7 never see the light of day. We got a real picture of the
8 defendant through those text messages.

9 He claims he didn't know she was 11. One of her very
10 first texts was, I love to draw. Come on. Does anyone believe
11 that he didn't know right then and there that he was dealing
12 with a child?

13 The victim talks about her mother would not approve of
14 her going on a date with him. And to show what he what a classy
15 guy he is, the defendant says, do you have to tell her?

16 We know the defendant knew he was dealing with a child
17 and realizing -- and once the defendant realized he was dealing
18 with a young child, he became aggressive with his questions.

19 Are you a virgin? Do you ever get horny and such? Do
20 you masturbate? These are not questions you would ask an adult.
21 These are not questions that you would ask of a teenager.

22 What happens? He gets even more vulgar. I'm not
23 going to belabor the point. I listed the conversation for the
24 Court and I know the Court has reviewed them.

25 That you have -- Judge, you have the texts. His texts

1 only become more and more graphic, more and more vulgar, and
2 more and more violent.

3 We know who this guy is, because he showed us who he
4 is. He's true personality came out in text messages. We saw
5 who he truly is and that's a monster. He's a sexual predator,
6 who preys on young children.

7 He gained this child's trust and then skillfully
8 prodded and probed until he felt comfortable enough to ask
9 perverted, graphic and sexually explicit questions for his own
10 self gratification.

11 And if that were not bad enough, he convinced this
12 unsophisticated, immature child to have sex with him.

13 This defendant was a 22-year-old man, who enticed,
14 coerced and then raped an 11-year-old child. To say that his
15 conduct was offensive would be an understatement. And as I said
16 in my memo, his conduct shocks the conscience.

17 Now, you saw him here today. You saw him get
18 emotional, but I wonder is he getting emotional or -- I guess,
19 is his emotional response from more a genuine expression of
20 remorse or is it just an expression of regret that he got caught
21 and now he is facing a lengthy prison sentence.

22 For all these reasons, Judge, the Government would
23 request a sentence of 30 years in prison, because such a
24 sentence is fair, just and reasonable.

25 **THE COURT:** Okay. Mr. Ippolito, thank you.

1 I mean, obviously, the attorneys for both sides
2 presented -- at least from my standpoint, the best arguments
3 that they could present for mitigation and for aggravation of
4 sentencing in this particular case.

5 You present a difficult individual, Mr. Bhaskar, for
6 sentencing purposes and, you know, I listened carefully to what
7 you had to say.

8 And it's disturbing to me in a certain respect,
9 because you have obviously a family that is very supportive and
10 very accomplished and they feed into you and you feed into them,
11 but on final analysis, at least in my view, you let them down.

12 And you let them down severely and you should be
13 ashamed of yourself as a person, as a man and as someone who has
14 received the benefits that hardworking individuals can make
15 available to you.

16 You have ability. You have talent. You have
17 intelligence. And you misapplied all of those talents. And
18 they are responsible -- or at least your actions are responsible
19 for getting you here, where you are today.

20 I listened carefully to your request with respect to
21 remorse and your inability to express that remorse to the victim
22 and her family.

23 I have to make a determination on remorse and the
24 genuineness of that remorse. I guess in summary you can say
25 that you were given a full opportunity to express that remorse

1 here and you did it in an emotional way.

2 But I suggest to you, with due respect, that you
3 haven't suffered from not being able to meet with the family,
4 personally, because I think the chances are the family would not
5 have been receptive of your expressions of what you say is
6 remorse for the conduct that you were involved in. And I think
7 that's very understandable in the context of your family and the
8 victim's family and families in general.

9 What you committed was a reprehensible crime. And
10 beyond that, the expressions of remorse that you did intermix
11 with your comments, I was clearly focused on that.

12 And I don't hesitate to say that in my observations of
13 you and what you said, my view is that your remorse is not
14 genuine.

15 That it is replete with excuses. And that in point of
16 fact, what truly you are is a child sexual predator and a danger
17 to the community. I choose those words carefully, because they
18 are extraordinarily impactful.

19 I am hopeful and I think that there are indicators
20 that you, as an individual, are not at this point beyond
21 rehabilitation, but you have a long way to go.

22 And it's going to take time and I personally don't
23 want to see you wind up losing everything that -- to some
24 extent, in your very youthful life, you have worked hard for and
25 benefited from your family, but it's going to take a lot to make

1 you a productive member of society once you are released from
2 prison in this case.

3 You've got to come to the realization, in my view,
4 that the predator that you have described as being is in point
5 of fact, you.

6 And if you don't accept that description, you're not
7 going to be able to turn your life around, where you can be
8 productive and where you can feel good about yourself.

9 Everybody did the best job that they could on your
10 behalf. You let everybody down. And the thought of what you
11 did to that 11-year-old girl is a nightmare.

12 You will have to pay the price for that and that's why
13 the sentencing laws are as harsh and severe as they are, because
14 that -- otherwise, what we would have is a society that would
15 open itself up to conduct like this.

16 It's bad enough as it is, right now, that it will
17 become more the norm than not. Given all of that -- and, again,
18 as I have tried to indicate, you are not beyond redemption, but
19 you are going to need your family's support.

20 You are going to have to change your mindset. You are
21 going to have to use the years that you are going to be confined
22 to the maximum benefit that you can derive.

23 And you have the ability to do that, but you and only
24 you can accomplish that.

25 So your sentence, Mr. Bhaskar, will be as follows --

1 and as I pointed out, the sentence should be sufficient, but not
2 greater than necessary and that's a tall order in this case,
3 when the guidelines call for life.

4 In my view, a fair and just sentence under the
5 circumstances is 20 years in jail. That gives you the
6 opportunity for a life and it doesn't diminish the severity of
7 the crime that took place in this case.

8 There will be a number of conditions and they are very
9 important. There will be a period of supervised release that
10 will be imposed, as well.

11 I will reserve that until I can complete the
12 imposition of the conditions of the sentence. And you must obey
13 all of the standard conditions that are associated with
14 sentencing and they will be explained to you by your attorneys
15 and by the probation office, upon completion of sentence in this
16 case.

17 You cannot commit any other crimes, Federal, State or
18 Local. You will be required to cooperate with the collection of
19 a DNA sample as required by at Justice For All Act of 2004,
20 because this offense occurred after September 13, 1994, and it
21 is not related to a illegal substance.

22 Since you do not have a history of substance abuse
23 problems and you likely will be deported from the United States,
24 the mandatory requirement for drug testing is waived.

25 But you shall not use or possess any computer data

1 storage device or any Internet capable device, unless you
2 participate in a computer and Internet monitoring program or
3 unless authorized by the Court or the U.S. Probation Office.

4 You must provide the probation office advanced
5 notification of any computers, automated services or connected
6 devices that will be used during the term of supervision.

7 The probation office is authorized to install any
8 application, as necessary, to surveil all activity on computers
9 or connected devices owned or operated by you.

10 You will be required to pay the cost of monitoring
11 services. The probation office shall be notified via electronic
12 transmission of impermissible suspicious activity or
13 communications occurring on such computer or connected device
14 consistent with a computer monitoring program and policy in
15 effect by the probation office.

16 As triggered by impermissible suspicious activity, you
17 shall consent to cooperate with unannounced examinations of any
18 computer equipment owned or used by you.

19 This examination shall include, but not limited to
20 retrieval and copying of all data from the computers, connected
21 devices, storage medium and any internal or external peripherals
22 and may involve removal of such equipment for the purpose of
23 conducting a more thorough inspection.

24 Any such monitoring or examinations shall be designed
25 to avoid as much as possible reading any privileged information

1 or any private material that is not illegal or reasonably likely
2 to lead to illegal material reference related to illegal
3 activity.

4 You must participate in sex offender specific
5 treatment program and follow the rules and regulations of that
6 program.

7 Your probation officer will supervise the details of
8 your participation in the program, including the selection of a
9 provider and schedule.

10 You are not to leave treatment until complete or as
11 ordered by the Court. You are required to contribute to the
12 cost of services rendered.

13 You shall not have deliberate contact with any child
14 under 18 years of age, excluding any biological or adopted
15 children, unless approved by the probation office or by the
16 Court.

17 You shall not loiter within a hundred feet of
18 schoolyards, playgrounds, arcades or other places primarily used
19 by children under the age of 18.

20 Your probation officer has the discretion to authorize
21 you to pick up children at their school or other functions.
22 However, authorization must be obtained in advance from the
23 probation office or alternatively from the Court.

24 You shall register with the State sex offender
25 registration agency in any state where you reside, are employed

1 or carry on a vocation or are a student. And you shall provide
2 proof of registration to the probation officer.

3 The probation office is authorized to release your
4 presentence report to the New York State Board of Examiners or
5 sex offenders.

6 Further disclosure to the county court, to the parties
7 involved, in the determination of your final classification
8 level is also authorized.

9 You shall submit to a search of your person, property,
10 premises vehicle or residence or any other property under your
11 control, based upon reasonable suspicion and permit confiscation
12 of any evidence or contraband discovered.

13 You shall submit to polygraph, computerized voice
14 stress analysis for such testing, not to exceed twice in a
15 calendar year. And an additional two retest per year, as
16 needed.

17 That testing may include examinations, using a
18 polygraph, computerized voice stress analyzer or other similar
19 devices to obtain information necessary for supervision and case
20 monitoring and treatment.

21 You shall answer the questions posed during the
22 examination, subject to your right to challenge in a court of
23 law, the use of such statements as violation of your 5th
24 Amendment rights.

25 In this regard, you shall be deemed not to have waived

1 your 5th Amendment rights by making any such statements.

2 The results of any polygraph pretest or polygraph
3 examination may be disclosed to the U.S. Probation office and
4 the Court, but shall not be further disclosed without a court
5 order.

6 You are required to contribute to the cost of services
7 rendered. I find that you do not have the ability at this point
8 to pay a fine orders and I order the fine waived.

9 I do find, though, that you are not indigent and can
10 afford to pay the mandatory \$5,000 Justice For Victims of
11 Trafficking Act of 2015 assessment.

12 You shall pay a special assessment of \$100, due
13 immediately. If incarcerated and you don't have the money
14 readily available, you shall begin payment under the Bureau of
15 Prisons inmate financial responsibility program.

16 You shall be prohibited from possessing a firearm,
17 ammunition or other dangerous device. And you shall not possess
18 a controlled substance and shall comply with the standard
19 conditions that have been adopted by the Court and you shall
20 comply with the conditions that I have just articulated.

21 I mentioned that I would impose a period of supervised
22 release. I believe under the circumstances, a ten year period
23 of supervised release is reasonable and should be applicable.
24 If you are deported, it becomes unsupervised.

25 That will be your sentence.

1 Counsel, do you understand the sentence?

2 Ms. Rendelman?

3 **MS. RENDELMAN:** Yes, Judge.

4 **THE COURT:** Mr. Pittell?

5 **MR. PITTELL:** Yes.

6 **THE COURT:** Okay.

7 And, Mr. Bhaskar, do you understand the sentence?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** Okay. Ms. Ferraro, is there anything that
10 I missed in imposing sentence?

11 **MS. FERRARO:** No, Your Honor.

12 **THE COURT:** All right. I do -- Mr. Ippolito, is there
13 anything to dismiss?

14 **MR. IPPOLITO, JR.:** No, Your Honor.

15 **THE COURT:** All right. Then I find the sentence to be
16 fair, just and reasonable, sufficient, but not greater than
17 necessary.

18 And having fully considered the 3553(a) factors
19 relating to both mitigation and aggravation, I find the sentence
20 to be absolutely appropriate.

21 That brings this case to a close.

22 **MR. IPPOLITO, JR.:** Thank you, Judge.

23 **THE COURT:** You're welcome.

24

25 (Proceedings concluded at 1:24 p.m.)

"I certify that the foregoing is a correct transcript, to the best of my ability, from the record of proceedings in the above-entitled matter."

s/ Bonnie S. Weber

Signature

March 6, 2020

Date

BONNIE S. WEBER

Official Court Reporter
United States District Court
Western District of New York